

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
November 19, 2013

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of Borough Hall on November 19, 2013 and was called to order by Mayor John E. Ekdahl at 4:30 p.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman DeVoe, Councilmen Day, Hemphill, Rubin and Shanley.

Absent: Broderick.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

David Marks of T & M Associates was not present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2013 to the *Asbury Park Press* and the *Two River Times*.

COMMUNICATIONS:

LETTER FROM HOLY CROSS PTA ADVISING OF A CORRECTION IN THEIR REQUEST TO HOLD THE HOLY CROSS TURKEY TROT ON SATURDAY, NOVEMBER 23RD TO HAVE THE EVENT BEGINNING AT 10:00 A.M. FOR THE 4-MILE RACE INSTEAD OF 9:00 A.M. FOR A 5K RACE:

The Municipal Clerk/Administrator advised of a letter to the Mayor dated November 11, 2013 from Christina Durney, Co-chair of the Holy Cross PTA, advising that she wished to correct the starting time and race length of the Holy Cross Turkey Trot that the Council had previously approved for Saturday, November 23rd. The race will begin at 10:00 am. with a 4-mile race instead of beginning at 9:00 a.m. with a 5k race.

On motion by Councilman Rubin, seconded by Councilman Hemphill, this communication was ordered received and the time and race length were approved. All in favor.

LETTER FROM 180 TURNING LIVES AROUND, INC. REQUESTING PERMISSION TO USE BINGHAM HALL ON FRIDAY, JANUARY 24, 2014 FROM 3:00 P.M. UNTIL 6:30 P.M. FOR AN EDUCATIONAL PROGRAM FOR LOCAL TEENS ABOUT THE INTERNET AND SOCIAL MEDIA SAFETY AND THEY WOULD LIKE TO PROVIDE A LIGHT SNACK FOR THE ATTENDEES:

The Municipal Clerk/Administrator advised of a letter dated November 15, 2013 from Barbara Lovell-Napoli, Assistant Director of Development of 180 Turning Lives Around, Inc., requesting permission to use Bingham Hall for an educational program for local teens about Internet and social media safety. Ms. Lovell-Napoli advised in her letter that 180 was a registered 501(c)(3) non-profit organization that provides emergency and transitional housing for victims of domestic and sexual violence, counseling, 24/7 hotlines, case management, advocacy and education for local communities. She added that many of the Board of Trustees members are Rumson residents and that the presentation in January would be lead by a Monmouth University Professor and hosted by 180. She also requested that they be allowed to provide the attendees with a light snack.

On motion by Councilman Rubin, seconded by Councilman Day, this communication was ordered received and permission for 180 Turning Lives Around, Inc. to hold their presentation on January 24, 2014 was granted. All in favor.

CONSENT AGENDA:

LETTER FROM NAJARIAN ASSOCIATES ADVISING OF AN APPLICATION ON BEHALF OF RUMSON COUNTRY CLUB TO THE STATE OF NJ DEP FOR AN IN-WATER WATERFRONT DEVELOPMENT PERMIT, FRESHWATER WETLANDS GENERAL PERMIT 10A AND FLOOD HAZARD AREA GENERAL PERMIT NO. 9 FOR REPLACEMENT OF TWO GOLF CART/PEDESTRIAN BRIDGES AND REPLACEMENT OF WEIR STRUCTURE AT BRIDGE #2 ON PROPERTY LOCATED AT 163 RUMSON ROAD:

The Municipal Clerk/Administrator advised of a letter dated November 7, 2013 from Najarian Associates on behalf of Rumson Country Club. The letter advised of an application submitted to the New Jersey Department of Environmental Protection, Land Use Regulation for an In-water Waterfront Development Permit, Freshwater Wetlands General Permit 10A and Flood Hazard Area General Permit No. 9 for the replacement of two golf cart/pedestrian bridges and replacement of a weir structure at Bridge #2 on property located at 163 Rumson Road.

LETTER FROM THE STATE OF NJ DEP RESPONDING TO THE REQUEST BY BILL AND KATIE THOMPSON FOR A FRESHWATER WETLANDS LETTER OF INTERPRETATION, LINE VERIFICATION FOR PROPERTY LOCATED AT 12 TYSON LANE:

The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection, Division of Land Use Regulation to Bill and Katie Thompson responding to their request for a Freshwater Wetlands Letter of Interpretation, Line Verification for property located at 12 Tyson Lane.

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, the two (2) above communications on the Consent Agenda were ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

ORDINANCE 13-011 TO ESTABLISH THE SALARIES FOR POLICE OFFICERS ACCORDING TO THE 2014-2018 CONTRACT. PUBLIC HEARING:

The Municipal Clerk/Administrator stated that an ordinance entitled:

13-011

AN ORDINANCE FIXING
COMPENSATION RANGES FOR MEMBERS
OF THE POLICE DEPARTMENT
OF THE BOROUGH OF RUMSON,
NEW JERSEY.

was scheduled for public hearing at this time. He stated that the ordinance had been posted and published and the affidavit of publication is on file.

On motion by Councilman Rubin, seconded by Councilman Hemphill, the public were given an opportunity to be heard on this ordinance in final reading. All in favor.

There was no response from the public.

On motion by Councilman Rubin, seconded by Councilman Hemphill, the public hearing on this ordinance was declared closed. All in favor.

Councilman Rubin moved the adoption of this ordinance in final reading. Motion seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: Broderick.

NEW BUSINESS:

INTRODUCTION OF ORDINANCE 13-012 D TO AMEND CHAPTER XXII OF THE DEVELOPMENT REGULATIONS SECTIONS 22-3, 22-5 AND 22-8 IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, DECEMBER 17, 2013 AT 4:30 P.M.:

The Municipal Clerk/Administrator advised that Ordinance 13-012 D was to amend the Borough's Development Regulations to update our Zoning Permit Fees, outlaw the planting of invasive bamboo in new development, and revise the maximum roof peak height for Barley Point bungalows according to FEMA mapping regulations.

The Municipal Clerk/Administrator read the following ordinance by title only in first reading:

13-012 D

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS

BE IT ORDAINED by the Borough Council of the Borough of Rumson, County of Monmouth, and State of New Jersey that Chapter XXII, Development Regulations, of the Code of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to amend certain portions of the Development Regulations to increase certain fees, allow for retail bakeries without seating to be a permitted use, correct the height of the allowed roof elevation on Historic-Barley Point bungalows, and restrict the planting of certain plant species such as invasive bamboo.

Chapter XXII (Development Regulations) of the Code of the Borough of Rumson is hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):

SECTION 1

Chapter XXII (Development Regulations), Section 22-3 (Administration), Subsection 3.14 (Fees) shall be amended as follows:

22-3 ADMINISTRATION.

22-3.1 Planning Board. through 22-3.13 Copy to be Filed with County Planning Board.

No Change.

22-3.14 Fees.

The developer shall, at the time of filing an application, pay a non-refundable fee to the Borough of Rumson by cash, certified check, or bank draft in accordance with the current fee schedule adopted by the Borough Council on file in the Borough Clerk's Office. The fee to be paid shall be the sum of the fees for the component elements of the plat or plan. Proposals requiring a combination of approvals such as subdivision, site plan, and/or variance, shall pay a fee equal to the sum of the fee for each element. Additional fees may be assessed for extraordinary review costs not otherwise covered by this section. The amount of any fees for an informal review shall be a credit toward fees for review of the application for development. Additional fees may be assessed for extraordinary review costs not otherwise covered by this section as a refundable application escrow fee as specified herein.

- a. *Application for Development (Zoning) Permit:* ~~\$25.00~~

- | | |
|--|----------------|
| 1. <u>Construction, erection, alteration, repair, remodeling, conversion, removal or destruction of any building or structure.</u> | <u>\$50.00</u> |
| 2. <u>Other Activities such as: fences, walls, generators, air conditioning units, etc.</u> | <u>\$25.00</u> |

- b. *Minor Subdivision Approval:* through bb. *Stormwater Management and Control Fees.*
No Change.

SECTION 2

Chapter XXII (Development Regulations), Section 22-5 (Zoning District Regulations), Subsection 5.11 [Regulations Controlling the General Business Zone District(GB)] and Subsection 5.14 (Regulations Controlling the H-BP Historic-Barley Point Seasonal Residential Zone District) shall be amended as follows:

22-5 ZONING DISTRICT REGULATIONS.

22-5.1.1 Zoning Map and Schedule. through 22-5.10 Regulations Controlling the Professional Building (POB) Zone District.

No Change.

22-5.11 Regulations Controlling the General Business Zone District (GB).

a. Permitted Uses.

1. The following uses are permitted only where frontage and primary access are provided on Bingham Avenue, Center Street or River Road, or on First Street, Lafayette Street or Washington Street north of River Road:

- (a) Professional office. through (c) Banks.

No Change.

- (d) Retail trade limited to the following:

- (1) Paint, glass, and wallpaper stores. through (15) Delicatessen/Prepared food take-out stores.

No Change.

- (16) Retail Bakery without seating.

- (e) Personal services limited to the following:

- (1) Dry cleaners and laundry services. through (14) Tailoring shops.

No Change.

2. No Change.

- b. *Required Accessory Uses.* through e. No Change.

22-5.12 Regulations Controlling the Neighborhood Business Zone (NB) District. through 22-5.13 Regulations Controlling the Public Facilities and Open Space (POS) Zone District.

No Change.

22-5.14 Regulations Controlling the H-BP Historic-Barley Point Seasonal Residential Zone District.

- a. *Permitted Uses.* through d. *Conditional Uses.* No Change.

- e. Zoning requirements, standards and regulations shall be in accordance with the following:

1. through 8. No Change.

9. Building Height. The height of a residential bungalow unit shall not exceed eighteen (18') feet from the finished first floor to the highest point on the roof and the highest point of the roof peak shall not be more than twenty-one ~~(20')~~ (21') feet above the minimum first floor elevation as required by the National Flood Insurance Program (FEMA).

10. through 15. No Change.

22-5.15 Mixed-Use Affordable Housing Overlay Zone. No Change.

SECTION 3

Chapter XXII (Development Regulations), Section 22-8 (Design Guidelines and Standards for Subdivisions and Site Plans), Subsection 8.4 (Design Standards—Landscaping) shall be amended as follows:

22-8 DESIGN GUIDELINES AND STANDARDS FOR SUBDIVISIONS AND SITE PLANS.

22-8.1 Purpose. through **22-8.3 Design Standards—General Site Design.**
No Change.

22-8.4 Design Standards—Landscaping.

a. *Purpose.* through b. *Landscape Plan.* No Change.

c. *Site Protection and General Planting Requirements.*

1. Topsoil Preservation. through 7. Planting Specifications. No Change.

8. Plant Species. The plant species selected should be hardy for the particular climatic zone in which the development is located and appropriate in terms of function and size. Plant species shall not include invasive plants such as invasive bamboo and other species regulated by the State of New Jersey.

d. *Street Trees.* through h. *Street Furniture.* No Change.

22-8.5 Design Standards—Recycling and Solid Waste. No Change.

SECTION 4

All Ordinances or parts of Ordinances inconsistent with this Ordinance if held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5

The Borough Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S. 40:49-2.1.

SECTION 6

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Councilman Rubin moved the adoption of this ordinance in first reading. Motion seconded by Councilman Day and carried on the following roll call vote:

In the affirmative: Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: Broderick.

Mayor Ekdahl stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, December 17, 2013 meeting of the Borough Council at 4:30 p.m.

RESOLUTION 2013-1119-161 AUTHORIZING THE RENEWAL OF A PORTION OF THE BOROUGH'S \$5,000,000 SPECIAL EMERGENCY APPROPRIATION NOTES, SERIES 2012, DATED DECEMBER 27, 2012:

The Municipal Clerk/Administrator advised that the Note was for costs associated with storm cleanup for Hurricane Sandy.

2013-1119-161

Councilwoman DeVoe offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING THE RENEWAL OF A PORTION OF THE BOROUGH'S \$5,000,000 SPECIAL EMERGENCY APPROPRIATION NOTES, SERIES 2012, DATED DECEMBER 27, 2012, AND PROVIDING FOR OTHER DETAILS OF SAID ISSUE.

WHEREAS, the Borough Council of the Borough of Rumson, County of Monmouth, New Jersey (the "Borough") has heretofore issued its Special Emergency Appropriation Notes, Series 2012 dated December 27, 2012 in the aggregate principal amount of \$5,000,000 (the "Prior Notes"); and

WHEREAS, the Prior Notes mature on December 26, 2013 and it is desirable to renew the portion of the Prior Notes permitted by and pursuant to the Local Budget Law, constituting Chapter 4 of Title 40A of the Revised Statutes of New Jersey (the "Local Budget Law"); now, therefore,

BE IT RESOLVED by the BOROUGH COUNCIL OF THE BOROUGH OF RUMSON, in the County of Monmouth, New Jersey as follows:

SECTION 1. That a portion of the Prior Notes in an amount not to exceed \$3,323,898. shall be renewed as one issue and shall be in such denomination or denominations, shall bear such number or numbers, such date or dates of issue, redemption and maturity, such redemption price or prices, and such rate or rates of interest, as may be determined in the manner and in accordance with the applicable provisions of the Local Budget Law. The portion of the Prior Notes shall, upon renewal, be entitled "Special Emergency Appropriation Notes, Series 2013" (the "Notes") or any other designation determined by the Chief Financial Officer of the Borough (the "Chief Financial Officer").

SECTION 2. That all of the Notes shall be signed by the manual or facsimile signatures of the Mayor of the Borough and the Chief Financial Officer and the corporate seal of the Borough shall be affixed thereto, attested by the manual signature of the Clerk of the Borough, and shall be payable, both as to principal and interest, to the purchaser thereof, and shall be in substantially the form as attached hereto as Exhibit A and made a part hereof.

SECTION 3. That the Chief Financial Officer be and she hereby is authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution and her signature upon the Notes shall be conclusive as to such determinations.

SECTION 4. That the Chief Financial Officer be and she hereby is authorized to take all actions necessary to sell the Notes at public or private sale in such amounts as she may determine at not less than par and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

SECTION 5. That any instrument issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough's full faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

SECTION 6. That the Chief Financial Officer is hereby authorized and directed to report in writing to the Borough Council at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made, such report to include the principal amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser.

SECTION 7. That the Mayor of the Borough, the Chief Financial Officer, the Borough Administrator and the Clerk of the Borough are hereby authorized to execute all documents necessary for the sale and delivery of the Notes.

SECTION 8. That the Chief Financial Officer be and she hereby is directed to pay the portion of the Prior Notes required to be paid by the Local Budget Law in an amount not less than \$1,676,102 from the applicable funds of the Borough.

SECTION 9. That the Notes may be renewed from time, but at least 1/5 of the Prior Notes, and the renewals thereof, shall mature and be paid in each year so that all of the Prior Notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of the adoption of the resolution authorizing the Prior Notes.

SECTION 10. That two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.

SECTION 11. That this resolution shall take effect immediately.

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Day, DeVoe, Hemphill, Rubin, and Shanley.

In the negative: None.

Absent: Broderick.

RESOLUTION 2013-1119-162 PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2013 BUDGET OF THE BOROUGH OF RUMSON FOR A \$89,025 SCIBAL INSURANCE REIMBURSEMENT FOR HURRICANE SANDY DAMAGES:

2013-1119-162

BOROUGH OF RUMSON

RESOLUTION REQUESTING APPROVAL OF ITEMS
OF REVENUE AND APPROPRIATION N.J.S. 40A:4-87
(CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S. 40A:40-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, due to Super Storm Sandy, the Borough of Rumson issued \$5,000,000 Special Emergency Notes; and

WHEREAS, the Borough of Rumson has received \$89,025.00 from Insurance claims due to Super Storm Sandy and would like to reduce the notes upon maturity by this amount;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$89,025.00, which is now available from Scibal Insurance; and

BE IT FURTHER RESOLVED that a sum of \$89,025.00 is hereby appropriated under the caption Special Emergency Authorization, 5 year.

The above Resolution was moved for adoption by Councilwoman DeVoe. Motion seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: Broderick.

RESOLUTION 2013-1119-163 PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2013 BUDGET OF THE BOROUGH OF RUMSON FOR A \$604,370 FEMA REIMBURSEMENT FOR HURRICANE SANDY DAMAGES:

The Municipal Clerk/Administrator advised that this was the first reimbursement from FEMA since Hurricane Sandy in October of 2012.

2013-1119-163

BOROUGH OF RUMSON

**RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL
RESOLUTION REQUESTING APPROVAL OF ITEMS
OF REVENUE AND APPROPRIATION N.J.S. 40A:4-87
(CHAPTER 159, P.L. 1948)**

WHEREAS, N.J.S. 40A:40-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, due to Super Storm Sandy, the Borough of Rumson 2013 Municipal Budget anticipated FEMA Receipts in the amount of \$1,000,000.00 and appropriated \$1,000,000.00 for Special Emergency Authorization, 5 year; and

WHEREAS, the Borough of Rumson has received \$1,604,370.00 in FEMA Receipts;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$604,370.00, which is now available from FEMA; and

BE IT FURTHER RESOLVED that a sum of \$604,370.00 is hereby appropriated under the caption Special Emergency Authorization, 5 year.

The above Resolution was moved for adoption by Councilman Hemphill. Motion seconded by Councilman Day and carried on the following roll call vote:

In the affirmative: Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: Broderick.

CONSENT AGENDA:

RESOLUTION 2013-1119-164 AUTHORIZING THE REFUND OF TAX OVERPAYMENT DUE TO TAX COURT JUDGMENT FOR BLOCK 73, LOT 11:

2013-1119-164

**RESOLUTION TO AUTHORIZE THE REFUND OF A 2012 PROPERTY TAX
OVERPAYMENT DUE TO A TAX COURT OF NEW JERSEY
CIVIL ACTION JUDGMENT
FOR BLOCK 73, LOT 11**

WHEREAS, State Tax Court Judgment, dated September 20, 2013 has been favorably awarded to Cynthia A. Zipf, Block 73, Lot 11, for fiscal year 2012; and

WHEREAS, such judgment has resulted in an overpayment of 2012 property taxes in the amount of \$2,363.83; and

WHEREAS, the stipulation of settlement waives statutory interest; and

WHEREAS, in accordance with a resolution adopted on January 1, 2013, Helen L. Graves, Chief Financial Officer/Tax Collector has refunded \$2,363.83 to John P. O'Brien, Esq. and Cynthia A. Zipf % John P. O'Brien, Esquire, 76 Ridge Road, Rumson, NJ 07760;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rumson that the refunded amount of \$2,363.83 is hereby approved.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer/Tax Collector.

RESOLUTION 2013-1119-165 AUTHORIZING THE REFUND OF THE BOND FOR STREET OPENING PERMIT 96/2013:

2013-1119-165

RESOLUTION

WHEREAS, Angela J. Teevan, 32 Warren Street, Rumson, NJ 07760 paid the required \$1,000.00 cash bond plus the \$100.00 application fee for Street Opening Permit Number 96/2013; and

WHEREAS, Mark Wellner, Superintendent of Public Works, has inspected the project listed above and has found it to be satisfactory and therefore recommends the release of the \$1,000.00 bond;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Angela J. Teevan, 32 Warren Street, Rumson, NJ 07760 be issued a refund of the \$1,000.00 bond; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer.

Councilman Hemphill moved the adoption of the above two (2) Resolutions on the Consent Agenda. Motion seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: Broderick.

ANNOUNCEMENTS BY THE MAYOR:

Announcements by the Mayor:

1. Borough Hall will be closed on Thanksgiving, Thursday, November 28th and on Friday, November 29th for the Thanksgiving holiday. There will be no garbage collection on Thanksgiving Day, November 28th and collection will be on the next regular collection day. However, there **will** be garbage collection on the day after Thanksgiving, Friday, November 29th for those scheduled for Friday collection.

Happy Thanksgiving to everyone.

2. I would like to extend our best wishes to our Jewish neighbors and friends for a Happy Hanukkah, which begins on November 28th.

3. The employees of the Rumson Department of Public Works will be holding their Annual Toy Drive again this year. A *new, unwrapped* gift for a boy or girl can be dropped off at the Public Works Garage behind Borough Hall on Friday, December 13th from 3:30 p.m. to 7 p.m. and on Saturday, December 14th from 9:00 a.m. to 1:00 p.m. This year the donated toys will go to the Family & Children's Services in Long Branch and the Salvation Army in Red Bank. We ask that you help to make this year's DPW Annual Toy Drive a great success.
4. Please remember that the Borough prohibits all vehicles from parking overnight (prohibited 3:00 a.m. to 5:00 a.m.) on Borough streets starting December 1st and continuing through March 31st. This is to allow for proper snow removal from our streets.

Thank you.

FINANCIAL OFFICER'S REPORT;

The Financial Officer's Reports disclosed the following as of October 31, 2013:

Borough of Rumson Chief Financial Officer Report to the Mayor and Council

Analysis of Cash for the Month Ending: October 31, 2013

Funds	Beginning Balance	Cash Receipts	Disbursements	Ending Balance
1. CURRENT FUND				
Current Fund Checking	\$ 16,713,022.17	\$ 5,607,165.99	\$ (1,602,952.27)	\$ 20,717,235.89
Change Funds	\$ 300.00	\$ 0.00	\$ 0.00	\$ 300.00
Certificates of Deposit	\$ 0.00	\$ 0.00	\$ 0.00	\$ —
Total Current Fund	\$ 16,713,322.17	\$ 5,607,165.99	\$ (1,602,952.27)	\$ 20,717,535.89
2. CAPITAL FUND				
Capital Fund Checking	\$ 966,772.84	\$ 0.00	\$ (11,560.00)	\$ 955,212.84
2007 Capital Improvement Bond Proceeds	\$ 647,934.93	\$ 0.00	\$ 0.00	\$ 647,934.93
Total Capital Fund	\$ 1,614,707.77	\$ 0.00	\$ (11,560.00)	\$ 1,603,147.77
3. PAYROLL & PAYROLL AGENCY				
Payroll	\$ 2,981.86	\$ 273,785.84	\$ (273,785.84)	\$ 2,981.86
Payroll Agency	\$ 12,941.76	\$ 161,028.22	\$ (161,028.22)	\$ 12,941.76
Total Payroll & Payroll Agency	\$ 15,923.62	\$ 434,814.06	\$ (431,814.06)	\$ 15,923.62
4. TRUST FUNDS				
Trust Fund Checking	\$ 725,993.68	\$ 3,008.00	\$ (3,000.00)	\$ 726,001.68
Unemployment Trust	\$ 111,021.55	\$ 799.57	\$ (2,069.08)	\$ 109,752.04
Recreation Trust	\$ 269,594.76	\$ 25,255.00	\$ (22,562.20)	\$ 272,287.56
C.O.A.H. Trust	\$ 1,130,870.75	\$ 52,370.00	\$ (2,566.19)	\$ 1,180,674.56
Law Enforcement Trust Fund	\$ 428.61	\$.29	\$ 0.00	\$ 428.90
D.A.R.E.	\$ 8,971.34	\$ 6.10	\$ 0.00	\$ 8,977.44
Cafeteria Plan	\$ 2,625.48	\$ 0.00	\$ (239.76)	\$ 2,385.72
Animal Control Trust Fund	\$ 38,614.26	\$ 24.00	\$ (998.08)	\$ 37,640.18
Public Assistance Trust Fund	\$ 839.35	\$ 0.00	\$ 0.00	\$ 839.35
Total Trust Funds	\$ 2,288,959.78	\$ 81,462.96	\$ (31,435.31)	\$ 2,338,987.43
TOTAL ALL FUNDS	\$ 20,632,913.34	\$ 6,123,443.01	\$ (2,080,761.64)	\$ 24,675,594.71

Respectfully submitted by:

Helen L. Graves

Helen L. Graves, Chief Financial Officer

On motion by Councilman Rubin, seconded by Councilman Hemphill, the Financial Officer's Report was ordered received and carried on the following roll call vote:

In the affirmative: Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: Broderick.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Hemphill offered the following resolution and moved its adoption:

\$	35.00	Deborah Anderson
\$	70.00	Monmouth County SPCA
\$	105.00	Animal Control Account
\$	13.76	JCP&L
\$	13.76	COAH Trust Fund
\$	2,363.83	John O'Brien Esq &
\$	5,031.65	Allied Oil LLC
\$	1,363.75	Americanwear Indust Uniforms
\$	1,370.00	AR Communications
\$	260.00	Asbury Park Press
\$	338.99	Blue Star of NJ
\$	338.60	Bob's Uniform Shop
\$	14,960.00	Borough of Fair Haven
\$	476.19	Bound Tree Medical
\$	134.38	Brennan's Deli
\$	130.00	Builders General Supply Co
\$	2,388.00	Campbell Foundry Co
\$	132.02	Clayton Block Co Inc
\$	116.98	Comcast of Monmouth
\$	2,703.62	Cummins Power System LLC
\$	4,095.36	Delta Dental of New Jersey Inc
\$	96.39	Electronic Measurement Labs
\$	312.55	F & C Automotive Supply Inc
\$	320.00	Garden State Highway Products
\$	3,737.79	Giordano Halleran & Ciesla
\$	52.55	Global Industrial
\$	368.30	Power Crimp Industries Inc
\$	8,803.64	JCP&L
\$	1,311.78	JNM Holdings Inc
\$	416.64	Johnny on the Spot Inc
\$	1,048.41	John Deere Landscaping
\$	98.45	Kepwel Natural Spring Water
\$	72.50	Lawson Products Inc
\$	42.41	Lawes
\$	879.25	Level 3 Communications LLC
\$	1,626.80	Marpal Disposal
\$	226.06	Marlboro Industries Inc
\$	1,067.10	Mid-Atlantic Truck Centre Inc
\$	17,308.23	Treasurer County of Monmouth
\$	1,000.00	Monmouth Sprinkler Co Inc
\$	26.68	Naylor's Auto Parts
\$	38.89	Neopost USA Inc
\$	242.44	NJ Natural Gas Co
\$	227.88	One Call Concepts
\$	3,150.00	Matthew & Stacy O'Neil %
\$	293.00	PEP Express Parts
\$	13.87	Port Supply
\$	1,348.95	Ralph Clayton & Sons
\$	18,000.00	Realty Appraisal Company
\$	640.00	Rex Sign Co
\$	164.37	Sanitation Equipment Corp
\$	739.98	Staples Advantage
\$	170.92	Stavola Asphalt Co Inc
\$	2,120.00	Targeted Technologies LLC
\$	49.20	Trico Equipment Services LLC
\$	1,372.46	Turbo Technologies Inc
\$	272.31	Verizon
\$	160.04	Verizon Wireless
\$	134.99	Verizon Business Fios
\$	54.00	Wageworks

\$	104,214.20	Current Fund
\$	380.00	Postmaster Red Bank
\$	400.00	Siciliano Landscape Co LLC
\$	780.00	Endowment Inc Account
\$	12,463.00	Conner Strong & Buckelew
\$	575.00	Aloha Guides LLC
\$	195.00	Evan Barone
\$	225.00	Connor A Bruno
\$	135.00	Trevor S Caruso
\$	420.00	Michael Cecil
\$	795.00	Matthew Cheslock
\$	425.00	Luc Cogger
\$	350.00	Kieran James Doherty
\$	105.00	Dawson W Epstein
\$	60.00	Jack Havard
\$	420.00	John Paul Hughes
\$	420.00	David E Iwan
\$	75.00	Ryan Patrick Kearney
\$	400.00	Charles Larsen
\$	195.00	James B Laughinghouse
\$	184.80	Life Savers Inc
\$	105.00	Robert J McGinty III
\$	225.00	Liam J Moriarty
\$	190.00	Arleen Mulligan
\$	225.00	Michael Murdock
\$	210.00	Thomas J Oakes
\$	240.00	William O'Connor
\$	400.00	Logan S O'Connell
\$	29.00	Sarah Orsay
\$	161.96	Rumson Exxon
\$	255.00	Patrick G Russo
\$	375.00	Courtney Setteducate
\$	240.00	Michael Shaw
\$	215.00	Jack Shanley
\$	270.00	Kathryn Strang
\$	420.00	Andres Taffin
\$	120.00	John G Velcamp
\$	120.00	Patrick J Velcamp
\$	150.00	Akash Logani Verma
\$	21,393.76	Recreation Account
\$	1,000.00	Angela J Teevan
\$	1,000.00	Trust Account
\$	104,214.20	Current Fund Appropriations
\$	105.00	Animal Control Fund Expenses
\$	780.00	Endowment Disbursements
\$	21,393.76	Recreation Disbursements
\$	1,013.76	Trust Fund – Other Expenses
\$	127,506.72	Total Of All Funds

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: Broderick.

COMMENTS FROM THE COUNCIL:

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

COMMENTS FROM THE PUBLIC:

The Mayor afforded the public an opportunity to be heard at this time and requested that anyone wishing to make a comment come forward to the microphone and state their name and address. The following residents responded:

Judy Vincie, 63 Avenue of Two Rivers; Bob Planer, 22 Sheraton Lane; Tom Calvanico, 28 Grant Avenue; Katie Johnson, 58 South Ward Avenue; Kathleen McBride, 28 Lincoln Avenue; James Sylvester 22 Washington Avenue; and Gwendolyn Wisely, 33 Waterman Avenue.

Judy Vincie stated that she was representing her daughter who lives at 60 Blackpoint Road and wished to comment on the new parking regulations prohibiting parking on the north side of Blackpoint Road from 7:00 a.m. until 3:00 p.m. She stated that she called Borough Hall to ask why it was implemented and was told that it was because of the student parking. Mrs. Vincie stated that a few years ago the parking had been limited to two hours between the hours of 7:00 a.m. until 3:00 p.m. and wanted to know why it was changed. She stated that she takes care of her grandchildren three days a week beginning at 6:00 a.m. and at 7:00 a.m. she has to move her car. She wanted to know if the two-hour limit could be restored.

Mayor Ekdahl stated that the residents on Blackpoint Road had requested relief from school parking, as had residents from various streets in the school area, and after reviewing the situation, the Police Department requested that there be uniformity with one sign because with all the different time limits it was very confusing. He added that having one rule of no parking from 7:00 a.m. until 3:00 p.m. on school days makes it clearer for the students, Police Department and the Municipal Judge to understand.

Mrs. Vincie stated that her daughter had not been asked about this and was never notified. She asked that Mayor what he meant by uniform.

Mayor Ekdahl stated that all the old signs with various time limits have been removed and replaced with the no parking from 7:00 a.m. until 3:00 p.m. on school days in all the neighborhoods.

Mrs. Vincie stated that there had not been a sign on that side of the street to restrict parking.

Mayor Ekdahl stated that she was correct, but many of the Blackpoint Road residents had requested that the Mayor and Council restrict the parking on the north side also. He added that, with many requests from residents on various neighborhood streets, the Police Department conducted a study to determine which streets should get relief and decided that the signs and restrictions would be uniform.

Mrs. Vincie stated that one side has a two-hour limit during school hours and the other has no parking for the same time period.

The Municipal Clerk/Administrator advised that there was two-hour parking on the north side and no parking on the south side to allow the busses and traffic to be able to go through.

Mrs. Vincie asked how were the residents supposed to have repairmen do work if they can't park on the street and added that a neighbor was having a roof put on and she wanted to know where they were supposed to park.

Mayor Ekdahl stated that if parking was allowed, then the students would park their cars there and the trucks would not be able to park there.

Mrs. Vincie stated that the students don't park over on Blackpoint since the High School opened up a little more parking on their property.

Mayor Ekdahl stated that the Blackpoint Road residents came to a Council meeting in August in anticipation of the school year and asked for the restricted parking and the Police Department found that it was warranted.

Mrs. Vincie asked if it could be looked at again and that both sides be made two-hour parking.

Mayor Ekdahl stated that he could ask the Police to look at it again, but for her to keep in mind that they had just looked at it in August this year at the request of some of the neighbors and made the decision for no parking on the north side.

The Municipal Clerk/Administrator asked Mrs. Vincie if it was correct that she and her daughter would like to have two-hour parking limits on both sides of the street from 7:00 a.m. until 3:00 p.m. on school days, and Mrs. Vincie stated that was correct.

Mayor Ekdahl stated that the final decision would be up to the Police Department.

Bob Planer stated that in his twenty-seven years as a resident of Rumson he had never had cause to come before the Council, but now something has come to his attention that is relatively important to him, but not a big deal. He stated that about four years ago the Borough decided to change the words "Christmas Tree Lighting," and he guesses that it is politically correct. He stated that as a God-loving person he respects every faith and hopes that every faith continues to have their holidays in the same fashion that they have in the past. He stated that he has found that there is now an assault on Christianity and he doesn't understand why. The holiday celebration on December 25th is called "Christmas" and not "Holiday." He would like the "Christmas Tree Lighting" restored to what it should have been, and if a menorah is placed next to it, he was not opposed. But he felt that it should be called a "Christmas Tree Lighting" not a "Holiday Tree Lighting" or a "Traditional Tree Lighting." He stated that when the Borden family gave Victory Park to the Borough of Rumson, it specifically said that the Borough "shall sponsor and continue the annual Christmas services upon the granted premises for the citizens of said Borough" and "provide for the decoration of the growing Christmas tree heretofore planted upon the property." He stated that the Borough could challenge this but, if it is challenged, the Borden family had stated in the document that if the provisions are not met, the property could revert back to the Borden family. Mr. Planer requested that the Borough do what the Borden family initially stated and intended to be done. He asked that the Mayor and Council respond to his request sometime in the near future so it can be resolved this year and not continue into the future. He thanked the Mayor and Council.

Mayor Ekdahl thanked Mr. Planer for his time and stated that before giving an answer, we would have to get the Borough Attorney involved. He advised that last year we went back and forth and it was referred to in some Borough publications as "Traditional Tree Lighting" and others as "Holiday Tree Lighting." He added that during the event at Victory Park he always refers to the "Christmas Tree" and that the Council would have an answer for Mr. Planer prior to the next Council meeting.

Tom Calvanico asked what the status was for the Ordinance changes to the Building Code issues that had been discussed in a previous meeting.

Mayor Ekdahl stated that the Ordinance has been posted on the Borough Website and that he could review it there.

The Municipal Clerk/Administrator advised that the Ordinance was formally introduced at the November 6th Council meeting, was posted on the Borough Website and was scheduled for public hearing at the December 3rd Council meeting for people to give comment to it and added that Mr. Calvanico was welcome to send any comments in writing ahead of time if he wished. The Municipal Clerk/Administrator stated that at the public hearing on December 3rd it will be decided if the Council will adopt it or not. He explained that even if it was adopted in its entirety, but there were changes the Council felt should be made, then an amendment for those changes could be introduced after January 1, 2014 and adopted later that month or in February.

Mr. Calvanico asked what changes the Ordinance contained.

The Municipal Clerk/Administrator advised that he didn't have the Ordinance in front of him, but the full Ordinance was up on the Borough Website.

Councilman Day advised Mr. Calvanico that the Ordinance on the Borough Website has the changes clearly marked with strikethroughs for the deletions and underlining for newly added text.

Katie Johnson asked if the town had received a response from Oxford House regarding the letter that the residents sent in mid-October.

The Borough Attorney stated that he assumed that they have turned it over to the Oxford House representatives as the State level to handle and we have not received a response. He added that the meeting was scheduled for next week and they would probably address it at that time.

Ms. Johnson thanked the Borough Attorney.

Kathleen McBride asked if the Borough does not get a response within a certain period of time then what would the Borough's response be.

The Borough Attorney stated that if the National Oxford House organization does not respond then he will discuss it with the State representative, George Kent. He added that we could not make National respond to his letter.

The Municipal Clerk/Administrator stated that we would continue to pursue them, but the reality was that we can't force the Maryland office to respond or meet with us.

The Borough Attorney stated that he was not overly optimistic that National would respond and that we would have to deal with the State representatives.

Ms. McBride thanked the Borough Attorney.

James Sylvester stated that he had a question about the proposed Ordinance regarding the definition of "family" and a certificate of occupancy not being required if the dwelling was rented to a member of his/her family. He stated that he thought the wording was a bit ambiguous and asked what the intent was when this exception was made.

The Borough Attorney stated he thought that the intent had been, and asked the Municipal Clerk/Administrator to correct him if he was wrong, if the owner was going to move to Florida and the son or daughter were going to live in and rent the home, then they wouldn't need a certificate of occupancy in that instance.

Mr. Sylvester stated that he had interpreted it that way but thought that the definition of family could perhaps lead to another interpretation.

Gwendolyn Wisely stated that perhaps the Borough should consider a more aggressive form of communication such as a phone call.

The Borough Attorney stated that he preferred to communicate in writing because then the letter was right in front of them, but a phone call could surely be made. He stated that he would be happy to do that and would make the call the next day.

Mayor Ekdahl stated that someone had advised him that a state senator in New York had suggested that New York State introduce a bill that would have the state have some oversight on rehabilitation homes. He stated that he had just written a letter to our State Senator, Joe Kyrillos, to request that he introduce similar legislation in New Jersey.

Katie Johnson stated that she has done research on the Internet and the key terms and subjects to look for online were: sober living, hotbeds of topics in Boston, Texas, Washington, DC and now New Jersey. She suggested that if the Borough was going to send something to our Senator, then the words sober living should be used because ordinances in cities will pop up right away.

Mayor Ekdahl thanked everyone for their comments and stated that they were all welcome to attend the public hearing on the Ordinance on December 3rd.

ADJOURNMENT:

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the meeting adjourned at 5:04 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator